

McGREGOR W. SCOTT (CSBN 142413)
United States Attorney
Eastern District of California

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Attorneys for Plaintiff

RECEIVED

NOV 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT -
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

FILED

NOV 15 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARVIN JEFFERY, JR.,

Defendant.

CASE NO. 4:04-cr-40154-CW

STIPULATION TO CONTINUE
SENTENCING HEARING
AND ~~PRELIMINARY~~ ORDER

OAKLAND VENUE

Stipulation

The parties stipulate that the sentencing hearing may be continued from November 28, 2007, to January 30, 2008, at 2:00 p.m. Mr. Jeffery's guilty plea includes a cooperation agreement. He was identified as a potential witness in two federal murder cases, United States v. Hill, et al., Northern District of California Case Nos. 01-0149 MJJ & 04-0083 MJJ. Those prosecutions were resolved with guilty pleas, with two defendants awaiting sentencing, on November 15 and December 13. Thereafter, the undersigned prosecutor needs to receive input from the Northern District prosecutor

cc: Copies to parties via ECF
Probation/Sheilah

1 regarding the appropriateness of any U.S.S.G. § 5K1.1 reduction.¹


2 Additionally, the undersigned prosecutor is continuing to try
3 to ascertain the amount of restitution owed by Mr. Jeffery, which
4 amount must be communicated to the Probation Officer to allow her to
5 finalize her pre-sentence investigation report, as well as to
6 defense counsel.

7 The undersigned prosecutor has communicated with the Probation
8 Officer, who has approved the new date. Ms. Condes, counsel for the
9 defendant, has reviewed this stipulation electronically and has
10 authorized the prosecutor to sign it on her behalf.

11 DATED: November 14, 2007

McGREGOR W. SCOTT
United States Attorney

12
13 by


Samantha S. Spangler
Assistant U.S. Attorney

14
15
16 DATED: November 14, 2007


for ELENA CONDES
Attorney for Defendant
Marvin Jeffery, Jr.

17
18
19 Order

20 Good cause appearing, the sentencing hearing scheduled for
21 November 28, 2007, is continued to January 30, 2008, at 2:00 p.m.

22 IT IS SO ORDERED.

23 DATED: November 15, 2007


CLAUDIA WILKEN, Judge
United States District Court

24
25
26 ¹ The San Francisco County murder prosecution in which Mr.
27 Jeffery was identified as a potential witness, People v. David Hill,
28 San Francisco County Superior Court Case No. 2159246, concluded in a
second degree murder conviction, without Mr. Jeffery having
testified.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers.

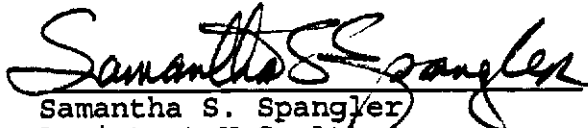
That on November 14, 2007, she served a copy of the attached:

STIPULATION CONTINUING SENTENCING HEARING
AND [PROPOSED] ORDER

by placing said copy in an envelope addressed to the persons hereinafter named, at the addresses stated below, which are the last known addresses of said persons and by placing it in the United States mail.

Elena Condes
Attorney at Law
1010 Grayson Street, Suite Two
Berkeley, CA 94710

Christina Carrubba
U.S. Probation Officer
1301 Clay Street, Suite 220S
Oakland, CA 94612


Samantha S. Spangler
Assistant U.S. Attorney